

***Bylaws
&
Procedures***



**Fairfax County
Planning Commission**

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ARTICLE 1 - OBJECTIVES

1-101 ESTABLISHMENT

The Planning Commission was established in conformance with a resolution adopted by the Fairfax County Board of Supervisors on July 6, 1938.

1-102 TITLE

The official title of this Commission shall be the "Fairfax County Planning Commission."

1-103 PURPOSE

The Commission has adopted the following articles in order to exercise its powers and duties in accordance with the provisions of Chapter 22, Title 15.2 of the *Code of Virginia*.

ARTICLE 2 - MEMBERSHIP

2-101 COMPOSITION & APPOINTMENT

1. In accordance with applicable sections of the *Code of Virginia* and the Zoning Ordinance of Fairfax County, the Planning Commission shall consist of not less than five nor more than 15 members, appointed by the Board of Supervisors, all of whom shall be residents of the County, qualified by knowledge and experience to make land use recommendations and decisions; provided that at least one-half of the members so appointed shall be owners of real property.
2. There shall be one member from each District.
3. Members shall be appointed for four years, or until a successor takes office, and terms of appointment shall be staggered.
4. Any vacancy in membership shall be filled by Board appointment. It shall be for an unexpired term only.
5. Any appointed member may be removed by the Board of Supervisors for malfeasance in office.

ARTICLE 3 - ELECTION OF OFFICERS

3-101 OFFICERS

The officers of the Planning Commission shall consist of:

Chairman
Vice Chairman
Secretary
Parliamentarian

3-102 ELECTION

1. The officers of the Planning Commission shall be elected from the members for a one-year term by the Commission at the third meeting of the calendar year after the newly constituted Commission convenes with a quorum present.
2. The election shall be announced at two consecutive meetings prior to the meeting at which the election is held.
3. The member receiving a majority vote of the entire membership of the Commission shall be declared elected. That member shall take office immediately and serve for one year or until a successor shall take office.

3-103

ORDER OF SUCCESSION

1. The order of succession in the temporary absence of or the inability to act by the Chairman shall be Vice Chairman, Secretary, and Parliamentarian.
2. Permanent vacancies in office shall be filled immediately by the election procedures specified in Section 3-102 of these *Bylaws*.

ARTICLE 4 - DUTIES OF OFFICERS

4-101

DUTIES OF CHAIRMAN

1. Preside at all meetings.
 - A. Maintain decorum as set forth in Sections 7-101 and 7-103 of the *Bylaws*.
 - B. Ensure that the public hearing procedures and time limitations, as set forth in Section 7-102 of the *Bylaws*, are met.
2. Appoint standing and special committees, subject to approval by a majority vote of the Commission membership.
3. Exercise general supervision over the Planning Commission staff and assign such duties to the staff as the Commission directs.
- ~~4. Perform such duties as are required in carrying out the provisions of Section 11-104 of the *Bylaws*.~~
- ~~54.~~ Approve the agenda for Commission hearings in the absence of the Secretary.
- ~~65.~~ Represent the Commission at official functions and ceremonial events.
- ~~76.~~ Forward to the Board of Supervisors an annual report, and other reports as deemed necessary, concerning the operation of the Commission and the status of land use planning within the County.
- ~~87.~~ Perform other duties as are assigned by the Commission.

4-102

DUTIES OF VICE CHAIRMAN

1. Assume the duties of the Chairman in cases of the Chairman's inability to act or absence.
2. Oversee activities of the Commission's standing and special committees.

4-103

DUTIES OF SECRETARY

1. Perform such duties as required by Section 10-101 of the *Bylaws*, pertaining to Minutes of the Commission.
2. Perform such duties as required by Section 8-101 of the *Bylaws*, pertaining to Commission agendas.
3. Set the order of substantive business for each Commission meeting.
4. Notify Commission members of special meetings in accord with the provisions of Section 6-102 of the *Bylaws*.
5. Act in the absence of or inability to perform by other officers.

4-104

DUTIES OF PARLIAMENTARIAN

1. Advise on all questions relating to rules and parliamentary procedures.
 - A. Parliamentary procedure in Commission meetings shall be governed by the current edition of Roberts Rules of Order, to the extent they are not inconsistent with these *Bylaws*.
 - B. The rules of the Commission shall not be suspended except for a specific purpose and by a two-thirds vote of those members present and voting.
2. Act in the absence or inability of the other officers to act.

ARTICLE 5 - COMMITTEES

5-101 STANDING COMMITTEES

1. The Standing Committees shall be appointed by the Chairman for one year, subject to approval by a majority vote of the Commission membership.
 - A. **Personnel and Budget Committee**

The Personnel and Budget Committee shall consist of not less than three nor more than five primary members. It shall review the duty, status, performance and workload of the Commission staff; review annually the budget of the Planning Commission; and recommend to the Commission appropriate actions concerning budget and personnel matters.
 - B. **Policy and Procedures Committee**

The Policy and Procedures Committee shall consist of not less than three nor more than five primary members. It shall analyze and recommend Commission positions on County policies and procedures affecting land use issues; propose such *Bylaws* amendments as may be appropriate; and analyze issues recommended by the Commission or those undertaken on its own initiative.
2. Alternates may be appointed to each standing committee to serve during the temporary absence of primary committee members.
3. A chairman and vice chairman, if desired, shall be chosen by the committee membership at the initial committee meeting held subsequent to its annual constitution, except that elected Commission officers shall be ineligible for these offices.
4. All committee meetings shall be announced and shall be open to any interested Commissioner.
5. All committee meetings shall be open to the public to the extent required by the Virginia Freedom of Information Act.
6. Committees shall provide a report of activities for inclusion in the Commission's Annual Report to the Board of Supervisors, and as appropriate, status reports to the Commission during each calendar year.

5-102 SPECIAL COMMITTEES

Special committee members and alternates may be appointed by the Chairman for the purposes approved by a majority vote of the Commission membership. Any Commission member may serve as chairman of a designated special committee, regardless of other offices held.

1. A chairman and vice chairman, if desired, shall be chosen by the committee membership at the initial committee meeting held subsequent to its annual constitution.
2. All special committee meetings shall be announced and shall be open to any interested Commissioner.
3. All special committee meetings shall be open to the public to the extent required by the *Virginia Freedom of Information Act*.
4. All special committees shall provide a report of activities for inclusion in the Commission's Annual Report to the Board of Supervisors, and as appropriate, status reports to the Commission during the calendar year.

ARTICLE 6 – MEETINGS

6-101 REGULAR MEETINGS

1. Regular meetings of the Planning Commission shall be held on Wednesday and Thursday of each week as the work of the Commission may require, except on legal holidays, and at such other times as the Commission may determine.

2. Meetings shall be held in the Board Auditorium of the Government Center at 8:15 p.m., or at a time and place designated by the Chairman.
3. The usual order of business at a regular meeting, upon determination of a quorum, shall be:
 - A. Call to order by the Chairman
 - B. Reports and Commission business
 - C. Public hearings
 - D. Adjournment.
4. Absent a motion and majority vote of those members present to adjourn at midnight (12:00 a.m.), the Commission meetings shall continue until adjourned by the Chairman after consideration of all scheduled agenda items.
5. All meetings shall be open except as provided for in the *Virginia Freedom of Information Act*.

6-102

SPECIAL MEETINGS

Special meetings of the Planning Commission may be called by the Chairman or by two members upon written request to the Secretary.

1. The Secretary shall cause to be mailed to all members, at least five days in advance of a special meeting, a written notice fixing the time, place and purpose of the meeting.
2. Written notice of a special meeting shall not be required if the time of the special meeting has been fixed at a previous regular meeting or if members have filed a written waiver of the required notice.

6-103

CLOSED SESSIONS

Closed Sessions may be held for the purposes provided for in the *Virginia Freedom of Information Act*.

1. No meeting shall become a Closed Session unless there shall have been recorded an affirmative vote to that effect by the Commission.
2. Immediately subsequent to each Closed Session, the Planning Commission shall certify, in open session that only matters specifically identified for convening the Closed Session were discussed or considered.
3. No action agreed upon in a Closed Session shall become effective unless confirmed by the Commission in an open meeting.
4. At a Closed Session, the Chairman, with the approval of the Commission membership, may invite attendance by any person(s) the Commission believes will contribute to discussion of the matter.

6-104

QUORUMS AND ACTIONS

1. A majority of the membership of the Commission or its standing and special committees shall constitute a quorum.
 - A. Whenever circumstances prevent a member from attending a Commission or committee meeting, said member shall notify **Planning Commission Office** staff as early as possible, ~~but not later than 4:30 p.m.~~ **3:00 p.m.** on the day of the meeting.
 - B. The temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations or the discussion of matters.
2. In the absence of a quorum, no official actions shall be taken by the Commission or its standing and special committees.

3. No action of the Commission or its standing and special committees shall be valid unless authorized by a majority vote of those present and voting.
 - A. At the request of any Commissioner, the Chairman shall restate the motion or ask another Commissioner to do so.
 - B. An action may be reconsidered only upon a motion by a member who voted with the prevailing side on the original vote. A motion to reconsider must be made at the same or immediately subsequent regular meeting.
 - C. If a motion to reconsider passes, the substantive matter to be reconsidered shall be scheduled for a date certain and notice shall be given in accordance with any applicable standing resolution of the Commission or special resolution of the Commission adopted at the time of reconsideration.

ARTICLE 7 - PUBLIC HEARINGS

7-101 DECORUM

Decorum during a Commission public hearing shall be maintained by the Chairman, who may request such assistance as necessary in maintaining order.

7-102 PROCEDURES

It shall be the Chairman's responsibility to enforce the procedures and time limitations set forth below.

The procedures normally followed for a public hearing, on any matter other than the consideration of the Comprehensive Plan or section or part thereof, shall be:

1. Call of the agenda item(s)
The Chairman shall inform those present of the procedures to be followed, to include time limitations.
 - A. The Chairman shall ask any citizen with a written statement to present it to the Clerk before any speakers are called to allow review time by Commission members.
 - B. The Chairman shall encourage organizations to have only one representative speak, with others standing to demonstrate their support.
 - C. The Chairman will announce periodically that all citizens planning to testify should sit in the two designated rows of the Board Auditorium to help speed the public hearing process.
2. Reaffirmation of the affidavit
Prior to each public hearing, the applicant or authorized agent shall make an oral statement that the new or reaffirmed affidavit is correct and accurate as of the date of that hearing. Following the reaffirmation, the Chairman will query Commission members to ascertain the need for any disclosures based on provided information.
3. Call for the staff presentation
 - A. Staff shall describe the ~~properties~~ **application or amendment** at issue and explain its findings.
 - B. The staff presentation or any part thereof may be waived, or a time limit thereon established, by majority vote of the Commission.
4. Call for the applicant's presentation
 - A. An applicant may appear on his/her own behalf or be represented by an agent.
 - B. The time limit for the applicant's presentation shall ordinarily be ten minutes. The Chairman may allow ~~fifteen minutes~~ **additional time** for the applicant's opening presentation in complex

cases.

5. Call for testimony from the public
Public testimony shall be provided in-person at the Board Auditorium of the Government Center during the public hearing unless designated otherwise by the Chairman. Limits for public testimony shall be as follows:
 - A. Five (5) minutes for individuals appearing on their own behalf, or on behalf of a business entity, if signed up on the *Speakers List* by 3:00 p.m. on the scheduled date of the public hearing.
 - B. Ten (10) minutes for individuals representing a civic association, homeowners association, business or professional association, or other similar organization or group, if signed up on the *Speakers List* by 3:00 p.m. on the scheduled date of the public hearing. Each such organization or group is entitled to one ten (10) minute presentation, which may be presented by one or several speakers, as the organization or group may elect.
 - C. Three (3) minutes for individuals, who have not signed up on the *Speakers List* by 3:00 p.m. on the scheduled date of the public hearing, regardless of whom they may represent.

~~For purposes of this section, a "business entity" shall include any firm, regardless of its form of organization and regardless of whether it is organized for profit or not for profit that is engaged in a trade or business.~~

6. Rebuttal
Call for rebuttal testimony by the applicant/ agent. There shall be a ~~five (5)~~ **ten (10)** minute time limit on such testimony, **although additional time may be permitted at the discretion of the Chairman.**
7. Closing staff comments
Call for closing comments and recommendations from the staff. There shall be a five (5) minute time limit on such comments and recommendations.

Time limits provided in this Section may be extended at the discretion of the Chairman.

8. Closure of the public hearing
Announce closure of the public hearing and call for action on the application.
 - ~~A. If revised proffers or development conditions for a pending application are submitted to the Planning Commission either on the scheduled public hearing date or deferred decision date, the Planning Commission may defer any action to a future date.~~
 - BA. The Commissioner representing the District involved, if applicable, handling the application shall comment on the application and introduce a motion for consideration. The Planning Commission may defer any action to a future date.**
 - ~~CB. Other members of the Commission may, prior to the vote, comment on the application and/or the motion.~~

7-103

COMPREHENSIVE PLAN REVIEW

It shall be the Chairman's responsibility to enforce the procedures and time limitations set forth below for all hearings on proposed amendments to the Comprehensive Plan, ~~including Out-of-Turn Plan Amendments.~~

1. Call of the public hearing by the presiding officer.
2. Description of the area under study, together with a presentation by staff and/or Commission members

of recommendations for development of the designated area.

3. Call by the presiding officer for names of interested parties who wish to speak to the proposed Plan amendment.
4. Presentation by interested parties on the proposed Plan amendment with the following times allotted.
Public testimony shall be provided in-person at the Board Auditorium of the Government Center during the public hearing unless designated otherwise by the Chairman.

Anyone **not** designated on the *Speaker List*: 23 minutes

For individuals signed up on the Speakers List by 3:00 p.m. on the scheduled date of the public hearing:

35 Minutes

Individuals

510 Minutes

Homeowners Associations/Civic Associations
/Countywide Associations ~~or~~ Nominators

5 Minutes

Countywide Associations

5 Minutes

Nominators

5. Staff/Commission discussion.
6. Commission action. (At the Commission's discretion, a separate markup session may be scheduled for action.)

7-104

CONDUCT

1. No person shall speak to the Commission without first having been recognized by the Chairman.
 - A. Except as provided for in Section 7-102, speakers shall speak but once unless called back to the podium at the request of a Commissioner.
 - B. A person whose allotted time to speak has expired (as outlined in Section 7-102) shall be notified by the Chairman to conclude his remarks.
 - C. After the public hearing is closed, no person shall be recognized to address the Commission with the exception of staff, unless called back to the podium at the request of a Commissioner.
2. Questions posed by Commissioners shall be reserved, insofar as possible, until the end of a presentation, to avoid interrupting the speaker, interfering with the time-keeping process, or duplicating testimony that a speaker may eventually cover.
 - A. Discussion and debate by Commissioners shall be conducted following presentation of testimony on the pending item.
 - B. A member who has spoken to the item shall not be again recognized until each member desiring to speak shall have had an opportunity to do so.
3. Upon a majority vote of the Commission, the record of any public hearing may be held open for the receipt of written statements until such time as specified prior to the final determination.

ARTICLE 8 - AGENDA

8-101

APPROVAL OF AGENDA

1. The Planning Commission, through its Secretary and in conjunction with the Planning Commission staff, shall develop and approve agendas for all Commission meetings.
2. In addition to those hearings required by law, the Commission at its discretion may hold public hearings or special meetings ~~when it decides that such will be in the public interest.~~
3. Notice of public hearings and publication thereof in a newspaper of general circulation shall be made

as required by Chapter 22, Title 15.2 of the *Code of Virginia* and by ordinances enacted by the Fairfax County Board of Supervisors.

ARTICLE 9 - BZA APPLICATIONS

Under the provisions of Article 19 of the Zoning Ordinance, the Planning Commission may review and make recommendations to the Board of Zoning Appeals (BZA) on appeals of the Zoning Administrator's decisions and on applications for special permits and variances deemed to have significant land use implications. The Commission may elect to consider said applications in the forum of an administrative review or a public hearing.

9-101 NOTIFICATION

1. The Commission shall notify by certified mail, return receipt requested, the applicant or his representative of the date of the scheduled administrative review or public hearing.
2. The Planning Commission shall fix a reasonable time for considering the pending application, indicating if said consideration should be an administrative review only or a public hearing.
3. In the event the Commission elects to consider the pending application in the forum of a public hearing, notice requirements as outlined in Appendix 1 of these *Bylaws* shall apply.
4. The Commission shall make every effort to render a decision prior to the scheduled BZA hearing date, unless otherwise agreed upon by the Planning Commission, the BZA, and the applicant.
5. Upon completion of the Commission's action on the pending application, a recommendation shall be forwarded to the BZA for its consideration and final action.
6. The Commission shall notify the applicant or his representative in writing of the action taken by the Planning Commission.

9-102 PROCEDURES

It shall be the Chairman's responsibility to enforce the procedures and time limits set forth below.

1. Administrative Review

In the event that the Planning Commission votes to hold an administrative review on a BZA application, the following procedures shall apply:

- A. Call of the agenda item
The Chairman shall inform those present of the procedures to be followed, to include time limitations.
- B. Call for the staff presentation
 - (1) Staff shall describe the application and explain its recommendations.
 - (2) The staff presentation or any part thereof may be waived, or a time limit thereupon established, by a majority vote of the Commission.
- C. Call for the applicant/appellant's presentation
 - (1) The applicant/appellant may appear on his/her own behalf or be otherwise represented.
 - (2) The time limit for the applicant/ appellant's presentation shall be ten (10) minutes.
- D. Closure of the administrative review and call for action
 - (1) The Commissioner from the District involved shall comment on the case and introduce a motion for consideration.
 - (2) Other members of the Commission may, prior to the vote, comment on the application

and/or the motion.

2. *Public Hearing*

In the event the Planning Commission votes to hold a public hearing on a pending application before the BZA, hearing procedures as outlined in Section 7-102 of these *Bylaws* shall apply.

ARTICLE 10 - OFFICIAL RECORDS

10-101 MINUTES

~~1.~~ The Planning Commission shall maintain audio and video records of all public hearings and audio records of all Committee meetings. ~~and keep minutes of all proceedings showing.~~

2. The Planning Commission shall maintain and keep minutes of all proceedings showing:

- A. The names and, if known, the addresses of all witnesses giving testimony.
- B. Evidence presented.
- C. Findings of fact by the Commission.
- D. The vote of each member upon each question or, if absent or failing to vote, such fact.

~~23.~~ The Secretary shall present Minutes of preceding meetings to the Commission for approval no later than six months from any meeting date.

~~34.~~ The Clerk to the Commission shall sign all Minutes after their approval by the Commission.

~~45.~~ The Clerk to the Commission shall ~~emboss~~ seal all approved Minutes with the official seal of the Planning Commission.

10-102 VERBATIM TRANSCRIPTS

Except as the Commission shall otherwise direct, verbatim transcripts for each agenda item shall be prepared and retained by the Commission staff, after closure of the public hearing. The Commission may direct the verbatim transcript to commence at a time later than either immediately after closure of the public hearing or, in the case of a deferred decision, after the case is called.

10-103 PUBLIC RECORD

Copies of Minutes and/or verbatim excerpts after closure of the public hearing shall be made available by the Clerk to the Commission to any person ~~who shall first have paid the County a copy fee per page pursuant to the Virginia Freedom of Information Act.~~

10-104 REPORTS AND CORRESPONDENCE

1. The Commission shall transmit a report on all actions taken to the Board of Supervisors.

- A. A minority of the Commission shall have the right to file a separate report to accompany the report embodying the recommendations or actions of the majority.
- B. All official papers representing the Planning Commission shall bear the signature of the Chairman or Vice Chairman, or that of the Executive Director, or designee, to include the Assistant Director or Clerk to the Planning Commission.

2. It shall be the duty of the Chairman to draft and sign all correspondence necessary for the execution of the duties and functions of the Commission, except that the Chairman may authorize delegation of this duty to the Executive Director, or designee, as appropriate.

ARTICLE 11 -- INCLEMENT WEATHER POLICY

11-101

INCLEMENT WEATHER POLICY

In the event of inclement weather, the County Executive may close all County offices or may grant unscheduled leave to County employees. In the case of a County closure, all Planning Commission meetings and public hearings scheduled for that day shall be cancelled and the applications rescheduled for the next available meeting date which can accommodate the hearings and allows sufficient time for re-advertising. In the case of unscheduled leave, or in the case of inclement weather regardless of County operating status, the Chairman may cancel or hold meetings at his/her discretion. This determination will be made by 1:00 pm on the day of the hearing or meeting.

ARTICLE 12 - AMENDMENTS AND VALIDATION

~~11~~12-101

AMENDMENTS

1. These ~~rules~~ bylaws may be amended or modified by a recorded two-thirds vote of the Commission membership after two weeks advance notice of intent to change has been given in writing to each Commission member.
2. Any proposed amendment shall be subject to further amendments at the meeting at which the vote is taken.

~~11~~12-102

VALIDATION

1. Nothing in the foregoing *Bylaws and Procedures* shall be deemed as invalidating any official business transacted by the Commission prior to the adoption of these *Bylaws and Procedures*.
2. The foregoing *Bylaws and Procedures* shall become effective upon a vote of two-thirds of the Commission at a regular meeting.
3. Date approved: ~~February 24, 2000.~~

APPENDIX 1

Instructions for Preparing Legal Notices for Planning Commission Public Hearings

The Fairfax County Planning Commission staff is responsible for ensuring that legal notice requirements to property owners, for both Planning Commission and Board of Supervisors public hearings, have been satisfied. In accordance with the Fairfax County Zoning Ordinance (Para. 4 of Sect. 18-110) the applicant/agent, individually and as designee of the Planning Commission staff, shall prepare and mail out legal notices in accordance with the following instructions. *Failure to accurately comply with these instructions shall be due cause to cancel the hearing and reschedule same at a later date.*

IMPORTANT NOTES

1. The notification process must be done for both the Planning Commission public hearing AND the Board of Supervisors public hearing. Normally the same individuals notified of the Planning Commission public hearing can be notified of the Board of Supervisors public hearing; however parcel owners must be re-verified to determine whether there has been a change in ownership. Separate notification packages will be sent by the Department of Planning and Zoning (DPZ) via certified mail to the applicant or agent approximately 30 days in advance of each public hearing.
2. For notification purposes, when the application property only involves part of a parcel, the entire parcel is to be treated as the subject property.
3. When the applicant/agent is not the owner of the subject property, a notification identical to that described for adjacent property owners must be sent by certified mail, return receipt requested, to the last known mailing address of the subject property owner(s) following steps prescribed in the Procedures contained on pages 2 through 4 of these *Instructions*.
4. Based on Para. 4D of Sect. 18-110 of the Zoning Ordinance, the following applies when the subject property involves a condominium or cooperative or when the subject property is adjacent to a condominium or cooperative development:
 - A. When the application property is an individual condominium or cooperative unit within a condominium or cooperative building, written notice shall be provided to the condominium unit owners association (or proprietary lessees' association) and the unit owners immediately abutting the application property or on the same floor of the building as the application unit and those unit owners immediately above and below the application unit.
 - B. When the application property is abutting or immediately across the street from open space or common ground of a condominium or cooperative, the condominium unit owners' association or proprietary lessees' association shall be notified in lieu of the individual unit owners.
 - C. When individual condominium or cooperative units or lots abut or are immediately across the street from the application property, written notice shall be sent to the owner of each such unit.
5. When the mailing address for the subject property owner and/or abutting property owners is outside of the United States, call a local Post Office to determine whether a Registered Mail Receipt must be used instead of PS Form 3800 (Receipt for Certified Mail).
6. Applicants for partial proffered condition amendment and special exception applications must notify all owners of parcels within the area of the original application.
7. According to the Zoning Ordinance (Para. 6 of Sect. 18-110), **"The hearing body may by resolution prescribe additional means and forms of notices in connection with any matter falling within its jurisdiction."**

PROCEDURES

What to Mail

The applicant/agent is provided one copy of the legal notice and one copy of the property location map with the subject parcel(s) outlined (see Attachment 1 for examples). The legal notice and property location map are prepared by the Zoning Evaluation Division of DPZ and questions about the text of the notice and/or the parcels outlined should be directed to DPZ at 324-1290. The applicant/agent must date the legal notice and reproduce a sufficient number of both the notice and the property location map to notify all required property owners in accordance with the procedures in these *Instructions*.

Who Must be Notified

1. In addition to notifying the subject property owner(s), the applicant/agent must send notifications by certified mail to the mailing address of all owners of abutting property, whether or not said owners actually reside on the property; and, to all owners of property immediately across the street, road, or highway from the subject property.
2. This notification requirement also applies to property owners in an adjoining county or city.
3. If the list of property owners compiled from item 1 above does not total twenty-five (25) different property owners, then additional notices must be sent to owners of parcels closest to the abutting parcels identified in step 1 above so that a minimum of twenty-five (25) different property owners are notified.
4. Notice sent by certified mail to the last known address of the owner(s) of parcels to who notice is to be sent, as shown on the current real estate tax assessment records, shall comply with these provisions.

How to Determine Parcel Ownership

1. To identify the parcels to be notified, refer to the most recent property identification map book(s) available in the Department of Tax Administration (DTA) on the Third Floor (Suite 333) of the Government Center Building located at 12000 Government Center Parkway, Fairfax, Virginia.
2. Identify each parcel by its complete tax map reference number. EXAMPLE: 31-4 ((2)) 14 In this example, 31-4 refers to the section sheet designation; ((2)) designates the subdivision; and 14 represents the parcel or lot number.
3. Names and mailing addresses of the owners of those Fairfax County parcels selected for notification should be taken from the current real estate tax assessment records maintained by DTA on the Third Floor (Suite 333) of the Government Center Building. This information is also available online at www.co.fairfax.va.us/dta/re which is the internet address for DTA. Data may also be obtained by calling DTA at 222-6740.
4. Names and mailing addresses of the owners of abutting parcels that are located in jurisdictions other than Fairfax County shall be taken from the current real estate tax assessment records of such jurisdictions.

What Items Are Needed for Certified Mail

1. The following three items are necessary for certified mailings: Blank #10 envelopes; *Domestic Return Receipts* (PS Form 3811); and *Receipts for Certified Mail* (PS Form 3800)
2. PS Form 3811 and PS Form 3800 are available at any branch of the United States Postal Service. (Refer to page 1 concerning the possible need for use of a Receipt for Registered Mail.)

Addressing of Envelopes

1. Envelopes must be labeled with the return address of the Planning Commission NOT the address of the applicant. (Fairfax County Planning Commission, Government Center, 12000 Government Center Parkway, Fairfax, VA 22035-0042.)
2. Each envelope must contain only the dated legal notice(s) and the property location map(s) with the subject parcel(s) clearly outlined or highlighted. No other information shall accompany these enclosures.

3. All costs, including postage, will be borne by the applicant.

Addressing of Domestic Return Receipts

1. The green *Domestic Return Receipt* card (PS Form 3811) must also bear the return address of the Fairfax County Planning Commission and NOT the address of the applicant.
2. The application number must be legibly printed on the lower left-hand corner of the front of the green *Domestic Return Receipt* card (PS Form 3811).
3. The following sections must be completed on the back of the green *Domestic Return Receipt* card (PS Form 3811):
 - Item 3 (*Article addressed to*): Fill in the name and mailing address of the person(s) to whom the notice is being sent
 - Item 4a (*Article Number*): Fill in article number from the Receipt for Certified Mail
 - Item 4b (*Type of Service*): Mark "Certified" as the type of service requested

Addressing Receipts for Certified Mail

Each green/white Receipt for Certified Mail (PS Form 3800) must reflect the name and mailing address of the individual property owner(s) to whom the letter is sent. Each green/white Receipt for Certified Mail (PS Form 3800) must be postmarked by a branch of the United States Postal Service by the deadline described in the next section.

When to Mail Certified Letters

1. To provide staff sufficient time to review the accuracy and completeness of the submitted notification materials, and to advise the applicant/agent of any notification errors to be corrected, the applicant/agent **should** postmark the notices, and provide all required information to the Commission office, a minimum of twenty (20) days prior to the hearing date.
2. The Zoning Ordinance requires that notices be postmarked not less than fifteen (15) days prior to the date of the Planning Commission public hearing (Para. 4 of Sec. 18-110). The green/white *Receipts for Certified Mail* (PS Form 3800) **must** be postmarked by the Postal Service with a date not less than fifteen (15) days prior to the date of the public hearing. *Example:*

Public hearing date:	June 9
20-day deadline:	May 20 (preferred postmark date to allow staff adequate review time)
15-day deadline:	May 25 (latest date by which the notices must be postmarked)

Failure to submit a complete package of required information to the Planning Commission Office by the 20-day deadline may jeopardize the scheduled public hearing date.

Information to Transmit to the Planning Commission Office

On the same day as the mailing, or the workday immediately following, the applicant/agent shall furnish the Planning Commission Office, in person or by first class mail, the following five items:

1. **Notification List** (Use the format on page 9, or a similar format approved by the Commission staff, to identify:
 - A. Owner(s) of the property that is the subject of the application who must be notified;
 - B. Abutting/adjacent property owners notified (minimum of 25 different owners);
 - C. Mailing addresses of the individuals notified;
 - D. Complete tax map reference number of the parcels that were notified;
 - E. Certified receipt mailing numbers (found at the top of each PS Form 3800).
2. **Postmarked *Receipts for Certified Mail*** (PS Form 3800).

3. **One copy of the dated legal notice and one copy of the property location map** mailed to property owners.
4. **Dated and signed statement of compliance** (The following statement dated and signed by the same applicant/agent whose name is listed on the zoning affidavit)

I certify, as the applicant and/or designee of the Fairfax County Planning Commission staff, that I have mailed the required legal notice and map for the Planning Commission public hearing on application _____ in strict accordance with the instructions furnished me by the Department of Planning & Zoning and the Planning Commission Office.

5. **Name, address and telephone number of the individual(s) who prepared the notices**

Submit the above information to the Planning Commission Office via mail or in person. The address is 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035. If you have questions, call the Planning Commission Office at 324-2865.

What if the Public Hearing is deferred after Notices are mailed

Cases deferred to a date certain eight (8) or fewer days from the original Planning Commission public hearing date: When a motion is made, on the actual date of the scheduled Planning Commission public hearing, to defer an application, at the request or with the concurrence of the applicant/agent, to a date certain eight days or less than eight days from the original public hearing date, no additional notice to property owners is required.

Cases deferred to a date certain more than eight (8) days but less than four (4) weeks from the original Planning Commission public hearing date: When a motion is made, on the scheduled Planning Commission public hearing date, to defer an application, at the request of or with the concurrence of the applicant or agent, to a date certain more than 8 days but less than four (4) weeks from the original public hearing date, a supplemental notice to property owners is required. If the deferral falls within this time frame, the Planning Commission Office shall send a first class letter to all previously notified property owners concerning the new public hearing date and time.

Cases deferred to a date four (4) weeks or more from the original Planning Commission public hearing date: When a motion is made, prior to or on the scheduled Planning Commission public hearing date, to defer an application, at the request of or with the concurrence of the applicant or agent, to a date more than four (4) weeks from the original public hearing date, the applicant or agent shall renotify by certified mail all previously notified property owners of the new public hearing date and time. All procedures outlined in these *Instructions*, shall be repeated.

Sample Format of Property Owner Notification List

APPLICATION(s) _____

PUBLIC HEARING DATE _____

Names & Mailing Addresses of Subject Property Owners

<u>Name & Mailing Address</u>	<u>Tax Map Reference Number</u>	<u>Certified Receipt Number</u>
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List the required information for all subject property owners

Names & Mailing Addresses of Abutting/Adjacent Property Owners

<u>Name & Mailing Address</u>	<u>Tax Map Reference Number</u>	<u>Certified Receipt Number</u>
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List the required information for all abutting/adjacent property owners